

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3012 - HB 3125

March 1, 2010

SUMMARY OF BILL: Authorizes a person with a handgun carry permit to possess a firearm in an establishment licensed by the Alcoholic Beverage Commission (ABC) as a “restaurant” provided the establishment has not posted a handgun restriction notice pursuant to Tenn. Code Ann. § 39-17-1359 and if the individual does not consume alcoholic beverages. Requires a mandatory minimum sentence of 72 hours and a mandatory minimum fine of \$500 for the current Class A misdemeanor offense for possession of a firearm where alcoholic beverages are served for on the premises consumption. Creates a Class B misdemeanor, punishable by fine only of \$500, for a person to possess a weapon in a building or on property that is properly posted with a handgun restriction notice. Violation is elevated to a Class A misdemeanor if the violation occurs in an establishment licensed by the ABC as a restaurant; the person had a handgun carry permit at the time of the offense; and the person was, at the time of the offense, consuming alcoholic beverages within the establishment. Requires a mandatory minimum sentence of 48 hours, a mandatory minimum fine of not less than \$500, and mandatory suspension of the person’s handgun carry permit for one year. Deletes the Class C misdemeanor offense for a person, licensed to sell wine or other alcoholic beverages for on the premises consumption, to post a handgun sign at least six inches high and fourteen inches wide pursuant to Tenn. Code Ann. §§ 57-4-203 and 57-3-204.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures – Not Significant

Increase Local Revenue – \$11,000

Increase Local Expenditures – \$4,200*

Assumptions:

- State court convictions are 10 percent of the total convictions. According to the Administrative Office of the Courts, there has been an average of three convictions for violations of possession of a firearm where alcoholic beverages are served in each of the past five years. Total convictions, including general sessions courts, are estimated to be an average of 30 per year. The weighted average cost per day for local jails is \$46.61. Requiring mandatory minimum sentences of 72 hours will result in an increase in local expenditures of \$4,194.90 (\$46.61 x 3 days x 30 offenders). Estimate assumes 25

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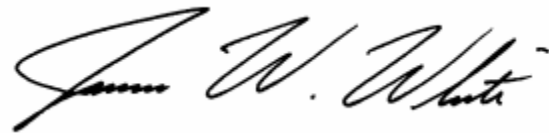
percent of the offenders (8) are indigent and will not be able to pay the \$500 mandatory minimum fine. An increase in local revenue estimated at \$11,000 (\$500 x 22 offenders).

- Requiring a mandatory minimum sentence of 48 hours for the Class A misdemeanor of a person possessing a weapon in an establishment licensed by the ABC is estimated to result in a not significant increase in state or local expenditures and revenue.
- There will not be a sufficient additional number of prosecutions for state or local governments to experience any significant increase in revenue or expenditures.
- Requiring handgun safety courses to devote a minimum of one hour of classroom instruction on alcohol and drugs applicable to laws regarding firearms will have a not significant impact on the Department of Safety.
- Deleting the Class C misdemeanor offense for a licensed alcohol seller to post certain signs will result in a slight decrease in the number of violations. Such decrease is estimated to be not significant.
- Any cost can be accommodated within existing state and local resources without an increased appropriation or reduced reversion.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc